

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 PAUL C. AMENT
Supervising Deputy Attorney General
3 E. A. JONES III, State Bar No. 71375
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2543
6 Facsimile: (213) 897-9395

7 Attorneys for Complainant

8 **BEFORE THE**
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 PHILIPPE POUILLOUX
13 9400 Brighton Way, Suite 102
Beverly Hills, CA 90210

14 Physical Therapist License No. PT 19442

15 Respondent.

Case No. 1D 2002 63118

OAH No. 2006080286

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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17 In the interest of a prompt and speedy settlement of this matter, consistent with the
18 public interest and the responsibility of the Physical Therapy Board of California of the
19 Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement
20 and Disciplinary Order which will be submitted to the Board for approval and adoption as the
21 final disposition of the Accusation
22

23 **PARTIES**

24 1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
25 Therapy Board of California. He brought this action solely in his official capacity and is
26 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
27 by E. A. Jones III, Deputy Attorney General.

28 2. Respondent Philippe Pouilloux (Respondent) is represented in this

1 proceeding by attorney Robyn M. McKibbin, whose address is Stone Rosenblatt Cha, 21550
2 Oxnard Street, Suite 200, Woodland Hills, CA 91367.

3 3. On or about October 28, 1993, the Physical Therapy Board of California
4 issued Physical Therapist License No. PT 19442 to Philippe Pouilloux (Respondent). The was
5 in full force and effect at all times relevant to the charges brought in Accusation No. 1D 2002
6 63118 and will expire on September 30, 2007, unless renewed.

7 JURISDICTION

8 4. Accusation No. 1D 2002 63118 was filed before the Physical Therapy
9 Board of California (Board), Department of Consumer Affairs, and is currently pending against
10 Respondent. A true and correct copy of the Accusation and all other statutorily required
11 documents were properly served on Respondent on July 6, 2007. Respondent timely filed his
12 Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 1D
13 2002 63118 is attached as exhibit A and incorporated herein by reference as if fully set forth
14 herein.

15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read, discussed with counsel, and fully
17 understands the charges and allegations in Accusation No. 1D 2002 63118. Respondent has also
18 carefully read, discussed with counsel, and fully understands the effects of this Stipulated
19 Settlement and Disciplinary Order.

20 6. Respondent is fully aware of his legal rights in this matter, including the
21 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
22 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
23 the right to present evidence and to testify on his own behalf; the right to the issuance of
24 subpoenas to compel the attendance of witnesses and the production of documents; the right to
25 reconsideration and court review of an adverse decision; and all other rights accorded by the
26 California Administrative Procedure Act and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
28 each and every right set forth above.

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in
3 Accusation No. 1D 2002 63118, if proven at a hearing, constitute cause for imposing discipline
4 upon his Physical Therapist License .

5 9. For the purpose of resolving the Accusation without the expense and
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
7 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up
8 his right to contest those charges.

9 10. Respondent agrees that his Physical Therapist License is subject to
10 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
11 Disciplinary Order below.

12 CIRCUMSTANCES IN MITIGATION

13 11. Respondent Philippe Pouilloux has never been the subject of any
14 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

15 RESERVATION

16 12. The admissions made by Respondent herein are only for the purposes of
17 this proceeding, or any other proceedings in which the Physical Therapy Board of California or
18 other professional licensing agency is involved, and shall not be admissible in any other criminal
19 or civil proceeding.

20 CONTINGENCY

21 13. This stipulation shall be subject to approval by the Physical Therapy Board
22 of California. Respondent understands and agrees that counsel for Complainant and the staff of
23 the Physical Therapy Board of California may communicate directly with the Board regarding
24 this stipulation and settlement, without notice to or participation by Respondent or his counsel.
25 By signing the stipulation, Respondent understands and agrees that he may not withdraw his
26 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
27 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
28 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be

1 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
2 further action by having considered this matter.

3 OTHER MATTERS

4 14. The parties understand and agree that facsimile copies of this Stipulated
5 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
6 force and effect as the originals.

7 DISCIPLINARY ORDER

8 In consideration of the foregoing admissions and stipulations, the parties agree
9 that the Board may, without further notice or opportunity to be heard by respondent, issue and
10 enter the following Disciplinary Order:

11 IT IS HEREBY ORDERED that Physical Therapist License No. PT 19442 issued
12 to Respondent Philippe Pouilloux is revoked. However, the revocation is stayed and Respondent
13 is placed on probation for three (3) years on the following terms and conditions.

14 1. RESTRICTION OF PRACTICE - SUPERVISION REQUIRED

15 Respondent shall only practice physical therapy under the supervision of a physical therapist
16 who holds a valid unrestricted license, and who is responsible for the care rendered.

17 2. RESTRICTION OF PRACTICE - HOME CARE The respondent shall

18 not provide physical therapy services in a patient's home.

19 3. RESTRICTION OF PRACTICE - SOLO PRACTICE The respondent

20 shall be prohibited from engaging in the solo practice of physical therapy.

21 4. RESTRICTION OF PRACTICE - PROHIBITION OF SELF

22 EMPLOYMENT OR OWNERSHIP Respondent shall not be the sole proprietor or partner in

23 the ownership of any business that offers physical therapy services. Respondent shall not be a

24 Board member or an officer or have a majority interest in any corporation that offers or provides

25 physical therapy services.

26 5. RESTRICTION OF PRACTICE - PROHIBITION OF DIRECT BILLING

27 OF THIRD-PARTY PAYERS Respondent shall not have final approval over any physical

28 therapy billings submitted to any third-party payers in any employment.

1 6. RESTRICTION OF PRACTICE - NO EMPLOYMENT OR
2 SUPERVISION OF PHYSICAL THERAPIST LICENSE APPLICANTS, PHYSICAL
3 THERAPIST ASSISTANT LICENSE APPLICANTS Respondent shall not supervise any
4 physical therapist license applicants, or physical therapist assistant applicants during the entire
5 period of probation. Respondent shall terminate any such supervisory relationship in existence
6 on the effective date of this probation.

7 7. RESTRICTION OF PRACTICE - NO EMPLOYMENT OF PHYSICAL
8 THERAPY AIDES Respondent with the prior approval of the Board or its designee may
9 supervise a physical therapy aides engaged in patient related tasks. Respondent shall provide to
10 the Board or its designee a written plan for supervision of physical therapy aides for the Board's
11 prior approval. Prior to supervising any aides pursuant to an approved plan, Respondent shall
12 provide to the aide a copy of the Board's regulations relating to physical therapy aides.

13 8. COMMUNITY SERVICES The respondent shall be required to provide
14 community service without compensation within the State of California as part of the probation.
15 The respondent shall submit to the Board or its designee for prior approval a community service
16 program involving a minimum of 160 hours, which may be performed over the course of the
17 probationary period.

18 9. PROBATION MONITORING COSTS Respondent shall reimburse all
19 costs incurred by the Board for probation monitoring during the entire period of probation.
20 Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical
21 Therapy Board of California. Failure to make ordered reimbursement within 60 days of the
22 billing shall constitute a violation of the probation order.

23 10. COST RECOVERY The respondent is ordered to reimburse the Board
24 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the
25 amount of \$18,167.00. Said costs shall be reduced, however, and the remainder forgiven, if
26 Respondent pays \$6,000.00 within 90 days of the effective date of the Decision. In the event
27 Respondent fails to pay \$6,000.00 within ninety (90) days of the effective date of the Decision,
28 the full amount of costs (\$18,167.00) shall be immediately due and payable. Failure to pay the

ordered reimbursement, or any agreed upon payment, may constitute a violation of the probation order. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. Failure to fulfill the obligation could also result in attachment to the Department of Motor Vehicle registrations and/or license renewals.

11. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, and statutes and regulations governing the practice, inspections and reporting, of physical therapy in California and remain in full compliance with any court ordered criminal probation.

12. COMPLIANCE WITH ORDERS OF A COURT The respondent shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probation.

13. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF RESTITUTION Respondent shall not violate any terms and conditions of criminal probation, if any, and shall be in compliance with any restitution ordered, payments or other orders.

14. QUARTERLY REPORTS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

15. PROBATION MONITORING PROGRAM COMPLIANCE Respondent shall comply with the Board's probation monitoring program.

16. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals.

17. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The respondent shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the Initial Probationary License, Statement of Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer, and

submit written employer confirmation of receipt to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.

18. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The respondent shall notify the Board, in writing, of any and all name and/or address changes within ten (10) days.

19. RESTRICTION OF PRACTICE - TEMPORARY SERVICES AGENCIES The respondent shall not work for a temporary services agency or registry.

20. RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR OF PHYSICAL THERAPY STUDENT INTERNS OR FOREIGN EDUCATED PHYSICAL THERAPIST LICENSE APPLICANTS PROHIBITED Respondent shall not supervise any physical therapy student interns or foreign educated physical therapist license applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

21. PROHIBITED USE OF ALIASES Respondent may not use aliases and shall be prohibited from using any name which is not his legally-recognized name or based upon a legal change of name.

22. INTERMITTENT WORK If the respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent shall notify the Board if he works less than 192 hours in a three month period.

23. TOLLING OF PROBATION The period of probation shall run only during the time respondent is practicing or performing physical therapy within California. If, during probation, respondent does not practice or perform within California, respondent is required to immediately notify the probation monitor in writing of the date that respondent is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by the respondent in California prior to notification to the Board of

1 the respondent's return will not be credited toward completion of probation. Any order for
2 payment of cost recovery shall remain in effect whether or not probation is tolled.

3 24. VIOLATION OF PROBATION If respondent violates probation in any
4 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke
5 probation and carry out the disciplinary order that was stayed. If an accusation or petition to
6 revoke probation is filed against respondent during probation, the Board shall have continuing
7 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
8 is final.

9 25. REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT,
10 HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent
11 ceases practicing or performing physical therapy due to retirement, health or other reasons or is
12 otherwise unable to satisfy the terms and conditions of probation, respondent may request to
13 surrender his license to the Board. The Board reserves the right to evaluate the respondent's
14 request and to exercise its discretion whether to grant the request or to take any other action
15 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the
16 tendered license, the terms and conditions of probation shall be tolled until such time as the
17 license is no longer renewable, the respondent makes application for the renewal of the tendered
18 license or makes application for a new license.

19 26. COMPLETION OF PROBATION Upon successful completion of
20 probation, respondent's license shall be fully restored.

21 27. CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE
22 LAWS AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF
23 PHYSICAL THERAPY Within 90 days of the effective date of this decision, respondent shall
24 take and pass the Board's written examination on the laws and regulations governing the practice
25 of physical therapy in California. If respondent fails to pass the examination, respondent shall be
26 suspended from the practice of physical therapy until a repeat examination has been successfully
27 passed.

28 28. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE

1 ON PROBATION It is not contrary to the public interest for the respondent to practice and/or
2 perform physical therapy under the probationary conditions specified in the disciplinary order.
3 Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been
4 disciplined, or that the respondent is on probation, shall be used as the sole basis for any third
5 party payer to remove respondent from any list of approved providers.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and
8 have fully discussed it with my attorney, Robyn M. McKibbin. I understand the stipulation and
9 the effect it will have on my Physical Therapist License. I enter into this Stipulated Settlement
10 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Physical Therapy Board of California.

12 DATED: May 8, 2007.

14 Original Signed By:
15 PHILIPPE POUILLOUX
16 Respondent

17 I have read and fully discussed with Respondent Philippe Pouilloux the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
19 Order. I approve its form and content.

20 DATED: May 8, 2007.

22 Original Signed By:
23 ROBYN M. MCKIBBIN
24 Attorney for Respondent

26 ENDORSEMENT

27 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
28 submitted for consideration by the Physical Therapy Board of California of the Department of

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Consumer Affairs.

DATED: May 8, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California

PAUL C. AMENT
Supervising Deputy Attorney General

Original Signed By:
E. A. JONES III
Deputy Attorney General

Attorneys for Complainant

Pouilloux Stipulated Decision.wpd

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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PHILIPPE POUILLOUX
9400 Brighton Way, Suite 102
Beverly Hills, CA 90210

Physical Therapist License No. PT 19442

Respondent.

Case No. 1D 2002 63118

OAH No. 2006080286

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 22, 2007.

It is so ORDERED May 24, 2007.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS